



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

July 5, 2016

Dave Marshbank
Marshbank Construction
PO Box 97
Lake Ventures, WA 98258

Re: Application S1-28823 for Short Term Authorization for Beneficial Use of Public Water

Dear Mr. Gage:

The Department of Ecology (Ecology) received your application on June 30, 2016, requesting a temporary diversion from the Pilchuck River. The request is for a one-time diversion rate of 300 gallons per minute (0.668 cubic feet per second (cfs)), spread over three days. The purpose of the temporary appropriation is to fill aqua dam bladders to facilitate a Washington State Department of Transportation bank stabilization project along the Pilchuck River near Granite Falls. The goal of the project is to correct chronic environmental deficiencies. These are projects along state highways where, "recent, frequent, and chronic maintenance repairs are causing impacts to fish and fish habitat."

The Pilchuck River is located within Water Resource Inventory Area 7 and has instream flows set by administrative rule, 173-507-020 WAC. The instream flow set for July 1 – 15 is 220 cfs. As of July 5, 2016, the Pilchuck River gage near Snohomish (USGS 12155300*) recorded a discharge rate of 122 cfs. Ecology must provision any new appropriations on meeting Pilchuck River flows. However, temporary uses may be approved if they qualify for Overriding Consideration of the Public Interest (OCPI) under RCW 90.54.020.

Pursuant to your request, the Water Resources Program Northwest Regional Office has determined that the public interest will be served and the benefits of your project will clearly override any temporary and short-term harm to the Pilchuck River.

Your request for temporary use of this water is **approved**. The use of surface water under this Short Term Authorization shall commence no earlier than July 6, 2016, and shall cease no later than September 30, 2016.

An instantaneous quantity of 0.668 cfs (300 gpm) is authorized to fill a total volume of 270,000 gallons, based on the volumetric capacity of 1,000 feet of the aqua dam bladders. This is a onetime use.

This authorization in no way removes the requirements for the applicant to receive permits or approval for its project from Ecology's Water Quality Program (RCW 90.48) or for hydraulic project approval from the Department of Fish and Wildlife (RCW 77.55).

* The USGS Pilchuck River gage referenced in 173.507.020 WAC is no longer maintained and has been replaced by USGS 12155300.



If you have any questions regarding this authorization, please contact Ria Berns by phone at (425) 649-7217 or by email at Ria.Berns@ecy.wa.gov.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board Environmental Hearings Office 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:
<http://www1.leg.wa.gov/CodeReviser>

Signed at Bellevue, Washington, this 5th day of July 2016.



Tom Buroker, Section Manager
Water Resources Program

Enclosure: Your Right To Be Heard

By Certified Mail: 9171 9690 0935 0106 9651 25

cc: Anne Savery, Tulalip Indian Tribes